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10. **BEFORE THE**
11. **BOARD OF REGISTERED NURSING**
12. **DEPARTMENT OF CONSUMER AFFAIRS**
13. **STATE OF CALIFORNIA**

14. In the Matter of the Statement of Issues Against:

Case No. **2008-111**

15. **HARDEEP MUNDH**
2324 Shasta Drive, #41
16. Davis, California 95616

STATEMENT OF ISSUES

17. Applicant/Respondent.
18.

19. Ruth Ann Terry, M.P.H, R.N ("Complainant") alleges:

20. **PARTIES**

21. 1. Complainant brings this Statement of Issues solely in her official capacity
22. as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23. Affairs.

24. **Application History**

25. 2. On or about February 28, 2007, the Board received an Application for
26. Licensure by Examination from Hardeep Mundh ("Respondent"). On or about February 28,
27. 2007, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,
28. and representations in the application. The Board denied the application on March 12, 2007.

STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(3) Done any act which if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

5. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Section 2762 of the Code states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances

described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Criminal Convictions)

7. Respondent's application is subject to denial under Code sections 2736, 2761, subdivision (f), and 480, subdivision (a)(1), in that Respondent was convicted of crimes substantially related to the qualifications, functions and duties of registered nurse, as follows:

a. On or about February 22, 2000, in the Superior Court of California, County of Yolo, in the case entitled, *People of the State of California v. Hardeep Mundh* (Super. Ct. Yolo County, 2000, Case No. CRM00001010), Respondent was convicted on his plea of no contest of violating Vehicle Code sections 20002, subdivision (a) (Hit and Run Property Damage) and 23103/23103.5 (Wet Reckless), both misdemeanors.

b. On or about January 14, 2002, in the Superior Court of California, County of Yolo, in the case entitled, *People of the State of California v. Hardeep Mundh* (Super. Ct. Yolo County, 2001, Case No. CRM100006197), Respondent was convicted on his plea of no contest of violating Vehicle Code section 23152, subdivision (b) (Driving Under the Influence of .08% or More), a misdemeanor.

c. On or about January 23, 2003, in the Superior Court of California, County of Sutter, in the case entitled, *People of the State of California v. Hardeep Mundh* (Super. Ct. Sutter County, 2002, Case No. CRTR02-3320), Respondent was convicted on his plea of guilty of violating Vehicle Code section 14601.5, subdivision (a) With a Prior [10/21/2002] (Driving with a Suspended License), a misdemeanor.

d. On or about February 21, 2006, in the Superior Court of California, County of Yolo, in the case entitled, *People of the State of California v. Hardeep Mundh* (Super. Ct. Yolo County, 2006, Case No. CRM060000665), Respondent was convicted on his plea of no contest of violating Vehicle Code section 23152, subdivision (a) (Driving Under the Influence of Alcohol With Enhancements), a misdemeanor.

1. **SECOND CAUSE FOR DENIAL OF APPLICATION**

2. **(Any Acts by a Licentiate)**

3. 8. Respondent's application is subject to denial under Code sections 2736 and
4. 480, subdivision (a)(3), in that Respondent committed acts that if done by a licentiate of the
5. business or profession, would be grounds for suspension or revocation of a license, pursuant to
6. and Code sections 2761, subdivision (a), and 2762, as follows:

7. a. Respondent used alcohol to an extent or in a manner dangerous or injurious
8. to himself or others, as set forth in paragraph 7, subparagraphs (a), (b), and (d), above, in violation
9. of Code section 2762, subdivision (b).


10. b. Respondent was convicted of crimes involving the consumption of alcohol,
11. as set forth in paragraph 7, subparagraphs (a), (b), and (d), above, in violation of Code section
12. 2762, subdivision (c).

13. **PRAYER**

14. WHEREFORE, Complainant requests that a hearing be held on the matters herein
15. alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

16. 1. Denying the application of Hardeep Mundh for a registered nurse's license;
17. and,
18. 2. Taking such other and further action as deemed necessary and proper.

19.
20. DATED: 10/4/07

21. 
22. RUTH ANN TERRY, M.P.H., R.N.
23. Executive Officer
24. Board of Registered Nursing
25. Department of Consumer Affairs
26. State of California
27. Complainant